

In re U.S. PATENT APPLICATION of:

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CHOO et al.

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Appln. No.: 09/424,482

Group Art Unit: 1627

TECH CENTER 1600/2900

Filed: February 29, 2000

Examiner: T. WESSENDORF

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October 12, 2001

PETITION FOR REFUND OF FEES UNDER 37 CFR § 1.182

Hon. Commissioner of Patents Washington, D.C. 20231

Sir:

Applicants hereby petition for a refund of fees paid for extensions of time needed to comply with the Patent Office communication mailed June 21, 2001. This communication stated that a reply should include a revised Sequence Listing, together with a copy of a Raw Sequence Error Report produced by the Patent Office. However, the Examiner failed to include the Error Report with the communication. Applicants' agent repeatedly telephoned¹ the Examiner and her supervisor requesting a copy of the Error Report. It became apparent that the Examiner was unavailable to respond to inquiries from Applicants' agent, and her supervisor was unresponsive. A response to the communication was due to the Patent Office on July 21, 2001, but Applicants' agent did not receive a copy of the Report from the Examiner's supervisor until September 20, 2001. Accordingly, this delay on the part

¹ July, 16, 2001; August 17, 2001; August 21, 2001; September 6, 2001; September 12, 2001; September 20, 2001

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of the Patent Office necessitated Applicants' payment of an extension fee for three months upon responding to the June 21, 2001 Office communication.

The delay on the part of the Patent Office was not in the control of Applicants or Applicants' agent, and a good faith attempt was made by Applicants' agent to fully and timely respond to the Office's communication. Accordingly, Applicants respectfully submit that the funds expended for extensions of time, together with the fee paid for the instant Petition, should be refunded by the Patent Office to Applicants. The refund should be credited to Deposit Account No. 03-3975 under Order No. 71278/264974.

Respectfully submitted,

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